



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,185	12/29/2000	Larry R. Fairbanks	CPS1540-203B	8520

8698 7590 03/14/2003

STANDLEY & GILCREST LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN, OH 43017

EXAMINER

MAI, LANNA

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,185

Applicant(s)

FAIRBANKS ET AL.

Examiner

Lanna Mai

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 19 December 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The amendment filed December 19, 2002 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Newly added fig. 4 shows reinforcement panel (90) in a configuration that was not disclosed in the specification as originally filed. In addition, the position of the reinforcement panel with respect to the siding panel 20 shown in fig. 4 was not described in the specification. These constitute new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on December 19, 2002 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(f) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the showing of reinforcement panel (90) in a configuration shown in fig. 4, and the position of the reinforcement panel with respect to the siding panel 20 shown in fig. 4.

The objection on the drawings set forth in the previous office action is still standing and is repeated as follows.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the reinforcement panel must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

In addition, the drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first planar portion having a tongue connected to the first edge and a groove connected to the second edge as claimed in claims 6 and 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The first planar portion having a tongue connected to the first edge and a groove connected to the second edge as recited in claim 6 and 7 have no support in the specification. The specification discloses on page 4, third paragraph

that a first planar portion has a tongue (or a groove) connected to one edge and a seam (or an edge of the adjacent planar portion) connected to the other edge. The drawing figures 1-3 also show this configuration.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grace, Sr. et al. (5,768,844) in view of Section 07460 on Siding of the Sweet's General Building & Renovation 1995 Catalog File (referred to hereinafter as the Sweet Catalog) .

Grace et al. disclose in fig. 2 the first planar portion having a first edge (adjacent the bend 26) and second edge (adjacent the seam connecting the second planar portion), the surface variance of less than 0.05 inches between the first edge and the second edge, a nailing strip (30) connected to the first edge, a tongue (24) and groove (20), a second planar portion connected to the first planar portion by a first seam (24) defining a stepped contour wherein the first planar portion is substantially similar to the second planar portion. Grace et al. does not show a siding having a third planar portions wherein each planar portion has the width of 4 inches or the thickness in the range of 0.04 –0.05 inches, and the height of each seam is about 0.5 inches. However, the Sweet Catalog shows various siding products ranging from one planar portion

(Castle Ridge on page 10), two planar portions (Castle Ridge and Cedar Lane) to three planar portions (Chatham Ridge on page 11) wherein the Cedar Lane vinyl siding product on page 13 and Castle Ridge are listed on page 20 as having a width of about 4 inches, and thickness of the planar portion in the range of 0.04 – 0.05 inches (see the listing of products specifications on page 20 of the Sweet Catalog and page 7 on Restoration Portfolio HP), and the height of each of the seams is shown to be about at least 0.5 inches (note the far right box on product Chatham Ridge on page 11). It would have been obvious to one having ordinary skill in the art to modify the siding of Grace to be a triple lap sidings and to include the specific width/thickness of the planar portions and seam height as taught by the Sweet Catalog to accommodate the user's preference, the differences in building structures and to achieve a desired look.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grace et al. and the Sweet Catalog as applied to claim 1 above, and further in view of Manning et al.

Grace et al. in view of the Sweet Catalog does not show a foam reinforcement panel secured to the first planar portion. Manning et al. teach securing a foam reinforcement panel (20) to the first planar portion (30) to enhance the thermal insulation property of the siding (10). It would have been obvious to one of ordinary skill in the art to modify the siding of Grace and the Sweet Catalog by securing a foam reinforcement panel secured to the first planar portion as taught by Manning et al. to enhance the thermal insulation property of the siding panel.

Claims 1, 4-14, 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnstone et al. in view of the Sweet Catalog.

Johnstone et al. show in fig. 2 a siding panel having the first planar portion (46) having a first edge (34) and second edge (44), and a surface variance/radius curvature, a nailing strip (20) connected to the first edge, a tongue (14) and groove (12), a second planar portion (see fig. 1) connected to the first planar portion by a first seam (S) defining a stepped contour wherein the first planar portion is substantially similar to the second planar portion. Johnstone et al. do not show the surface variance/radius curvature of less than 0.05 inches between the first edge and the second edge, up to three planar portions wherein each planar portion has the width of 4 inches or the thickness in the range of 0.04 – 0.05 inches, and the height of each seam is about 0.5 inches. However, the Sweet Catalog shows various siding products ranging from one planar portion (Castle Ridge on page 10), two planar portions (Castle Ridge, and Cedar Lane) to three planar portions (Chatham Ridge on page 11) whereas the Cedar Lane vinyl siding product on page 13 and Castle Ridge are listed on page 20 as having a width of about 4 inches, and thickness of the planar portion in the range of 0.04 – 0.05 inches (see the listing of products specifications on page 20 of the Sweet Catalog and page 7 on Restoration Portfolio HP), and the height of each of the seams is shown to be about at least 0.5 inches (note the far right box on product Chatham Ridge on page 11). It would have been obvious to one having ordinary skill in the art to modify the siding of Johnstone et al. to be a single lap, double lap and triple lap sidings and to include the specific width/thickness of the planar portions and seam height as taught by the Sweet

Catalog to accommodate the user's preference, the differences in building structures and to achieve a desired look.

As for the surface variance/radius curvature of less than 0.05 inches (or at least 85 inches) between the first edge and the second edge, it is noted that Johnstone et al. disclose on col.4, lines 40-55 and figure 2 that the planar portions 46 has a gentle curve which encompass the specific surface variance/radius curvatures claimed in claims 1, 8, 11, 14, 21 and 24 of the instant application.

Claims 2, 3, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnstone et al. and the Sweet Catalog as applied to claims 1 and 14 above, and further in view of Manning et al.

Johnstone et al. in view of the Sweet Catalog does not show a foam reinforcement panel secured to the first planar portion. Manning et al. teach securing a foam reinforcement panel (20) to the first planar portion (30) to enhance the thermal insulation property of the siding (10). It would have been obvious to one of ordinary skill in the art to modify the siding of Johnstone et al. and the Sweet Catalog by securing a foam reinforcement panel secured to the first planar portion as taught by Manning et al. to enhance the thermal insulation property of the siding panel.

Response to Arguments

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection. However, it is worth pointing out that it is well known and common to have the height of the seam be at least 0.5 inches as

Art Unit: 3637

shown in various products in the Sweet Catalog. Similarly, it is very common to have the width of the planar portion in the range of 4.0 –5.0 inches.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sanders et al., Chelednik, Pittman et al., Baldock, Mowery et al., and various news articles show vinyl siding panels.

Any inquiry concerning this communication should be directed to Lanna Mai at telephone number 703-308-2486. Ms. Mai can normally be reached on M-F, 9:00-5:30 pm.

The fax numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Lm
3-7-03

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

